

REMARKS

After amendment, Claims 21 thru 27 are pending.

Applicants traverse all rejections and respectfully request reconsideration.

Applicants submit that certain claim limitations have improperly not been given patentable weight.

For example, independent claim 21 recites a "granulation process, comprising ... mixing the foam and powder to agglomerate the particles." Emphasis added. The Examiner has applied several *coating* references against claims to a granulation process. Coating refers to applying a layer of material to a substrate to isolate the substrate from an environment - in other words, the whole reason for coating is precisely to avoid granulation. This is explained further below. Moreover, the combination of references do not appear to teach the "mixing the foam and powder" limitation.

Likewise, Claim 22 specifically states that "the water-based air foam is applied without atomizing." Any spray coating art is thereby excluded. The Examiner must find evidence that teaches granulation without spraying.

Claim 23 specifically states that "the water-based air foam is applied on top of the powder," i.e., that the foam is simply poured on to a mass of powder. Again, this requires a showing of a foam being applied to a powder.

New claim 27 is a combination of the limitations Claims 22 and 23.

Applicants believe that foam granulation is a radical departure from the prior art. Applicants submit herewith the declaration of Dr. Arthur H. Kibbe, an expert in the field of pharmaceutical excipients.

Dr. Kibbe asserts that those skilled in the art would not look to coating art to solve granulation problems, and explains why. Dr. Kibbe also attests as to why foam granulation is an exciting breakthrough in the pharmaceutical field: "The idea that a wet foam could be

added to powder and achieve uniform distribution by simple mixing is unique and unexpected." He states that he believed before this invention that solving a granulation problem required some form of atomizing of the binding solution or solvent along with mixing to ensure even wetting of the powders and activation of the binder.

Applicants respectfully request reconsideration. If terminal disclaimers are necessary once the claims are otherwise allowable, Applicants will submit them where proper. In the case of a patent reciting a process for coating, Applicants would be loath to consider the inventions obvious (except in unpermissible hindsight).

The Examiner is cordially invited to call the undersigned.

Respectfully submitted,

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